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Rather, in Barbeau *et al.*, as illustrated in Figure 3 and as described in column 5, lines 31 through 41:

Finally, it is one of the features of the present invention to prevent heat from penetrating between helmet outer cover 35 and the helmet (not shown). To achieve this, a plurality of snapping heads 57 are distributed on the outer face of shroud 1 along continuous upper edge 33 as illustrated in FIG. 3. Correspondingly, a plurality of snapping hooks 59 are attached to the inner lower portion of helmet outer cover 35 by means of attachments 61. So, after donning the shroud, it is merely necessary to snap it to helmet outer cover as indicated. Of course, any other suitable attachment means for the shroud is within the scope and spirit of the present invention.

Inherently, the “snapping” elements 57, 59, do not form an uninterrupted juncture eliminating any gap between the shroud 1 and the cover 35. Along the upper edge 33 of the shroud 1, the shroud 1 and the cover 35 are not joined to each other and gaps can exist, however minute, between the shroud 1 and the cover 35, except at the “snapping” elements 57, 59, which are spaced from one another along said edge 33.

By writing in a context of claims 7 and 8 that “it would have been obvious to one of ordinary skill in the art to sew the shroud to the cover in order to ensure that the shroud and cover juncture is completely uninterrupted along the periphery thereof,” the primary examiner seems to have acknowledged, implicitly, that Barbeau *et al.* does not provide an uninterrupted juncture. The applicants do not see any meaningful difference between “uninterrupted” and “completely uninterrupted.”

Absent impermissible hindsight, the statement in Barbeau *et al.*, in column 5, lines 39 through 41, that “[o]f course, any other suitable attachment means for the shroud is within the scope and spirit of the present invention” does not disclose or suggest replacing the “snapping” elements 57, 9, with an uninterrupted juncture.

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The applicants submit, therefore, that Barbeau *et al.* does not anticipate any of claims 1 through 6 and 10 through 12, that those claims should be now allowable, and that, because all other claims depend directly or indirectly upon claim 1, all other claims should be now allowable.

Claim 2, which depends upon claim 1, provides a further distinction over Barbeau *et al.* by reciting that “the uninterrupted juncture does not extend around an anterior portion of the head of the wearer.” In Figure 3 of Barbeau *et al.*, it is evident that a set of the “snapping” elements 57, 59, is located at the anterior portion of the head of the wearer.

You are requested to reconsider the rejection of claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Barbeau *et al.* (US 6,260,207) for the foregoing reasons and for the following reason.

Claim 7, which depends upon claim 1, 2, 3, 4, 5, or 6, provides a further distinction over Barbeau *et al.* by reciting that “the uninterrupted juncture is defined by a permanent seam.” The applicants’ specification teaches on page 2, in lines 5 through 7, that “[b]eing uninterrupted, the seam impedes and, if sealed by an adhesive sealant, blocks infiltration of heat, water, gases, or smoke between the shroud and the cover.

In Barbeau *et al.*, there is no uninterrupted, permanent seam, which impedes and which, if sealed by an adhesive seal, blocks infiltration of heat, water, gases, or smoke between the shroud 1 and the cover 35. Because the “snapping” elements 57, 59, do not function similarly, such “snapping” elements are not interchangeable with permanent seam, such as a sewn seam.

You are requested to reconsider the rejection of claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Barbeau *et al.* (US 6,260,207) in view of Saniscalchi (US 4,803,109).

Claim 9, which depends upon claim 7, via claim 8, recited that “the seam is sealed by an adhesive sealant so as to be fluid-impervious.” In Barbeau *et al.*,

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there is no uninterrupted, permanent seam, which could be thus sealed, either as taught by Saniscalchi or otherwise.

The applicants submit, therefore, that all claims are allowable, as filed. The applicants solicit their allowance.

Respectfully submitted,

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